

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, <i>ex rel.</i>	)	
State Engineer	)	69cv07941 – MV / KK
	)	RIO CHAMA STREAM SYSTEM
Plaintiff,	)	
	)	Section 3, Rio Cebolla
vs.	)	Subfile Nos. CHCB-001-0007,
	)	CHCB-002-0001B, CHCB-002-0002C,
	)	CHCB-002-0009
ROMAN ARAGON, <i>et al.</i> ,	)	
Defendants.	)	
_____	)	

**AFFIDAVIT OF STEPHEN D. HARDIN**

I, Stephen D. Hardin, being duly sworn, state as follows:

1. I am a Land Surveyor who has performed work for La Asociacion de Las Acequias Nortenias de Rio Arriba as a contributor of exhibits to the work by Malcolm Ebright, entitled "Settlement North of Abiquiu Leading to Settlement and Irrigation at Cebolla".

2. I have also performed work developing an exhibit involving the properties of the Defendants in this case, Charlie and Geralda Chacon and Delfin and Francis Quintana, in particular "Exhibit A: Assembled and Prepared By Stephen D. Hardin, Land Surveyor", prepared July 14, 2008, and revised on July 26, 2009 and July 26, 2015. My survey map is based on office and field work, is geo-referenced and approximates the section lines, boundaries and topographic features of the subject properties. See attached Exhibit A.

3. All irrigated lands as shown on Exhibit A were located and identified in the field by Gerald Chacon. No boundary surveys during several field investigations were conducted.

4. Exhibit A depicts the original government patents of the Defendants Chacon and Quintana based upon my review of the underlying original GLO surveys and resurveys and government patents for the respective properties which are: for one of the Charlie and Geralda

Chacon properties the Patentee is Jose Leandro Montoya who occupied the homestead property, Section 25, T 27 N, R 4E, in (1886) and received the patent on March 1, 1892 and for the properties of Delfin and Francis Quintana, the two Patentees were Gabriel Valdez, occupying in (1884) and Canuto Valdez, occupying in (1887).

5. The Chacon fields identified as “Alfalfita” of about 5.0 acres and a second field near the “Old Tank” of about 4.0 acres lie within the portion of the Jose Leandro Montoya patent in the area where the February 8, 1884 Atkinson Survey and surveying notes identify and depict the presence of “cultivation”. See 1884 Atkinson Survey, Exhibit B.

6. The Quintana fields of about 10 acres between the Old Valdez Ditch and the Rito del Tanque lie within the portion of the Canuto Valdez and Gabriel Valdez homestead patents in the areas where the February 8, 1884 Atkinson Survey and surveying notes identify and depict the presence of “cultivation”. See Exhibit B.

7. Neither the “Alfalfita” field of 5.0 acres, more or less, nor the field of 5.0 acres, more or less at the Old Tank location, overlap with any part of the 30 acre parcel irrigated by the transfer of water rights in 1973 by Charlie Chacon. See Exhibit A.

8. Both the Rito del Tanque and the Old Valdez Ditch traverse both the Chacon and the Quintana properties.

FURTHER AFFIANT SAYETH NAUGHT

Stephen D. Hardin

Stephen D. Hardin

SUBSCRIBED AND SWORN to before me this 28th day of July, 2015.

Notary Public

My Commission Expires: 11-30-2016

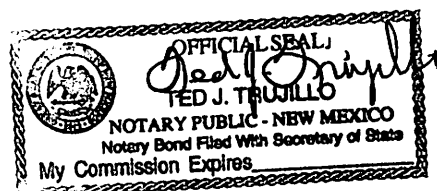


EXHIBIT A  
ASSEMBLED AND PREPARED  
BY STEPHEN D. HARDIN  
LAND SURVEYOR  
July 26, 2015

NORTH  
1" = 1200'

NOTE: ACREAGES SHOWN HEREON ARE  
APPROXIMATE AND DO NOT TAKE  
INTO CONSIDERATION AREAS  
OCCUPIED BY HOUSES, ROADS  
AND OTHER MAN MADE FEATURES.

● Point of Diversion (POD)

LANDS OF CHARLIE (CARLOS)  
AND JERALD CHACON

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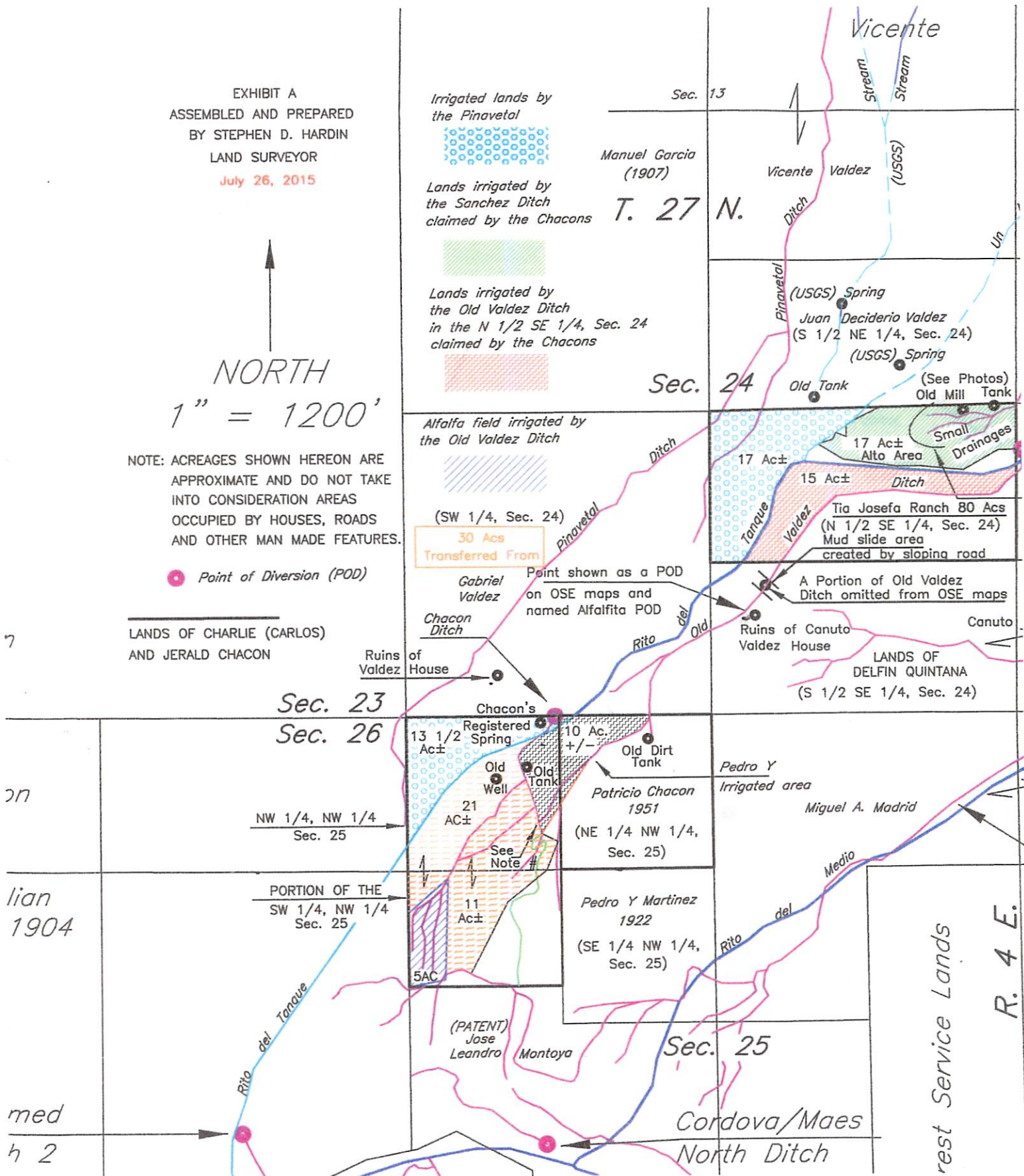


Exhibit A (1)

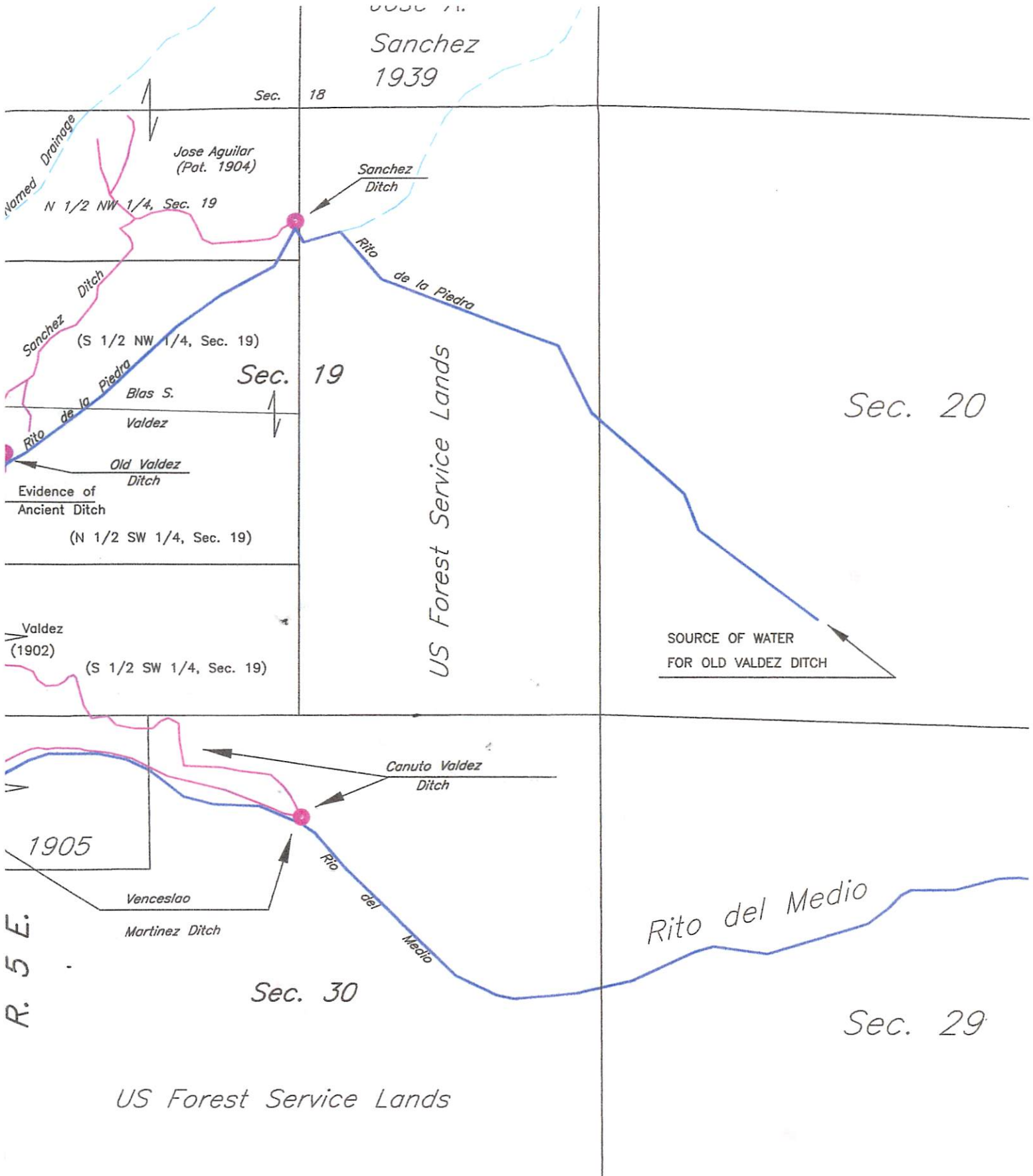
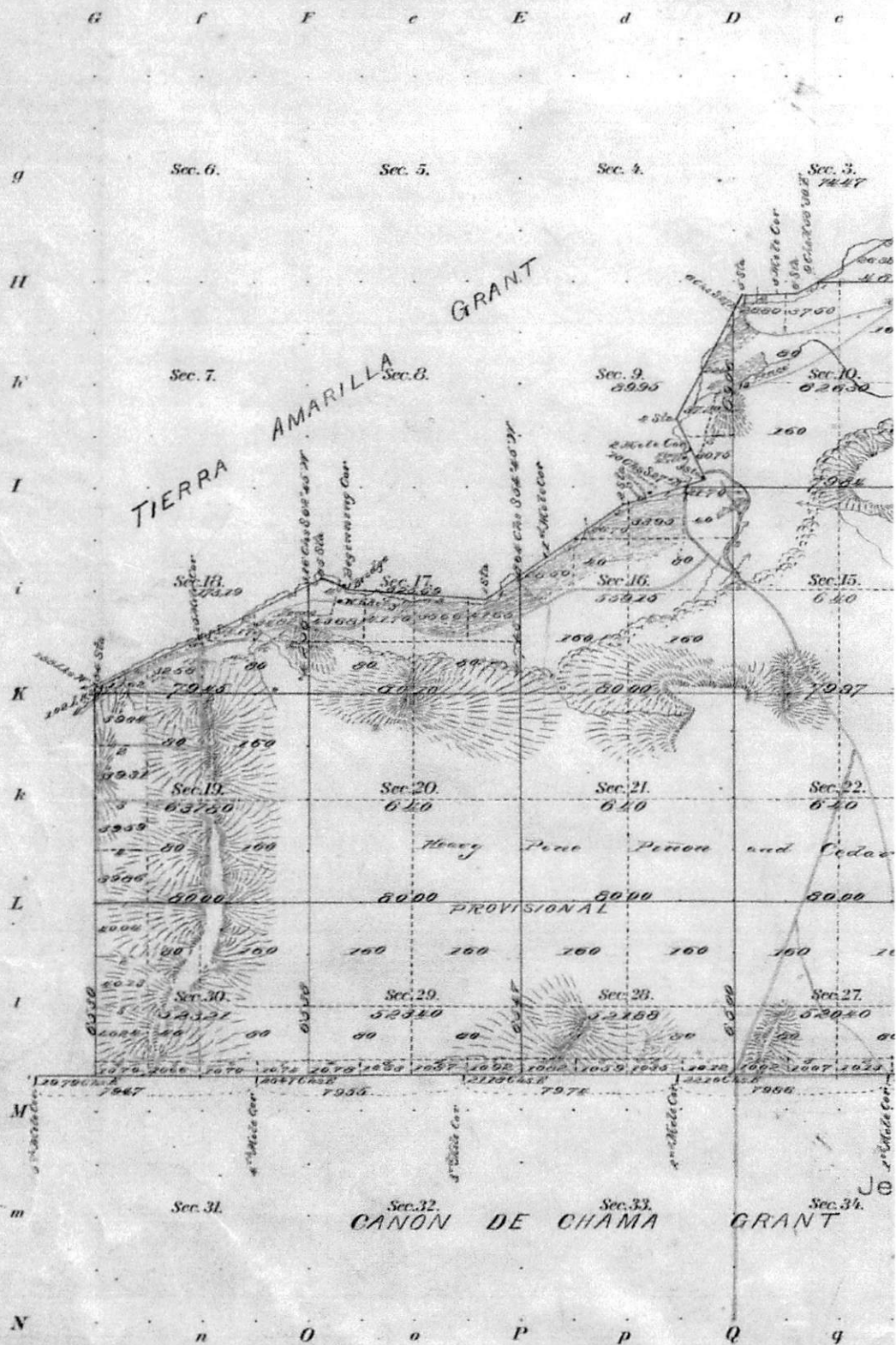


Exhibit A (2)



*Tract Township No 27 North Range No 4 East of the P*



Total number of Acres 15,576.93

Survey Designated	By Whom Surveyed	Date of Contract	Amount of Survey M. C. H.	When Surveyed	Mean Declination
Township lines	Moore & Fisher	Nov. 23, 1863	2 - 50 - 57	Dec. 6, 1863	15° 30' E
Subdivisions	" " "	" " "	35 - 00 - 36	" 6 - 10 "	15° 37' E
De C. Stuyvesant Grant	" " "	" " "	7 - 22 - 12	" 3 "	15° 34' E
Red Mt. Indian Land Grant	" " "	" " "	6 - 27 - 69	" 30.5 "	15° 30' E

Exhibit B (1)





Mounders of Acacietras Island, T. A. Gravel								
Posts	Courses	Ch. Lk.	Posts	Courses	Ch. Lk.	Posts	Courses	Ch. Lk.
1	S 86° E	5200		N 72° W	200			
2	S 82° E	6200	32	S 82° W	5070			
3	N 70° E	2000	31	N 60° W	3630			
4	N 70° W	2500			1270			
5	N 72° E	5000						
6	N 70° W	2100						
7	N 50° E	6000						
8	S 70° E	6230						
9	N 60° E	6550						
	N 70° E	7000						

Meadows of São Paulo de la Católica	
B	1645 ft 1150 Portons of Ridge off. of C. Grant
A	870 45 ft 1150
E	862 50 ft 1150

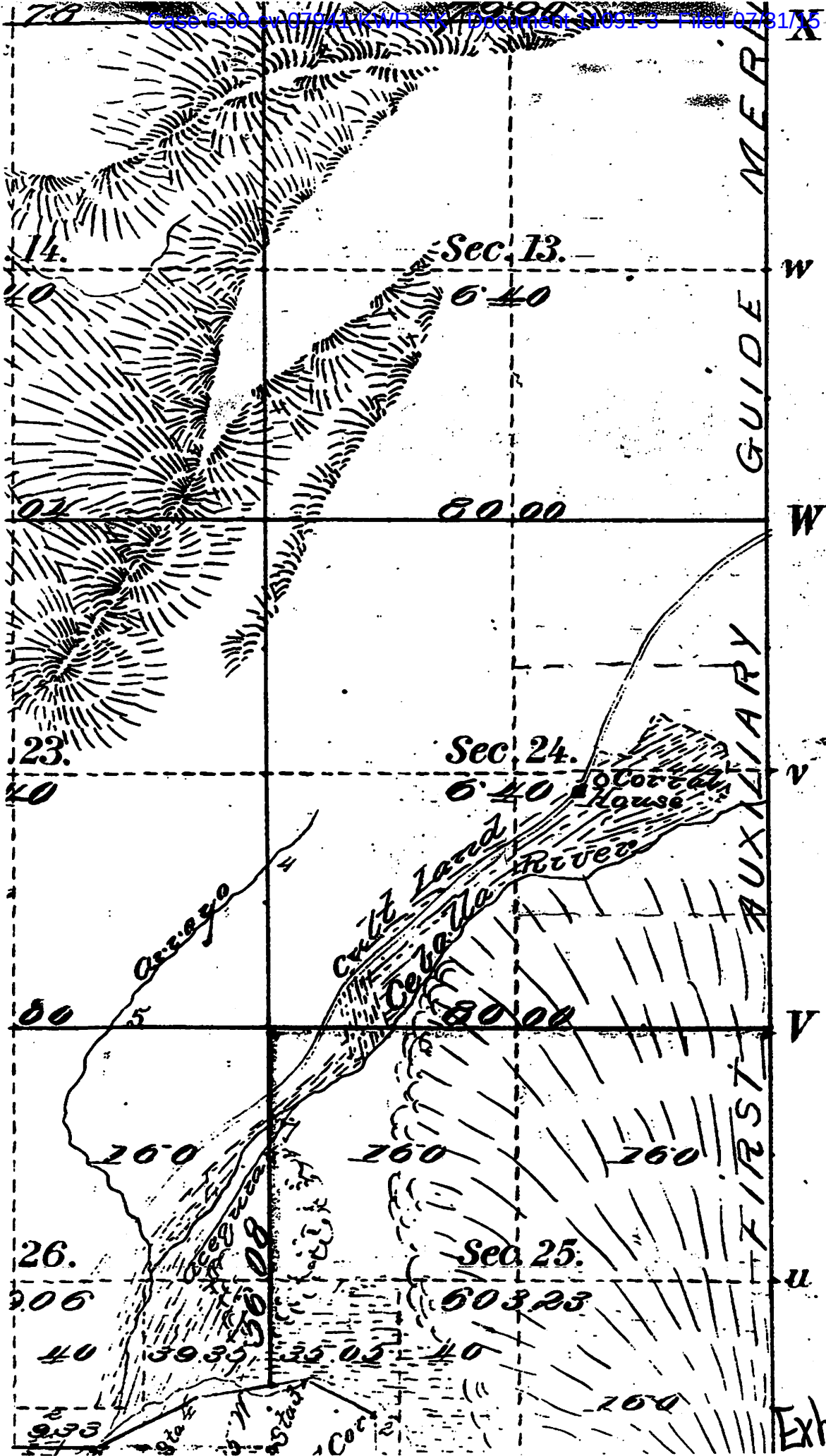
Dec'r 27<sup>th</sup> 1884  
 2009  
 Surveyor General's Office,  
 Santa Fe, New Mexico  
 January 1, 1885  
 I hereby certify that as settler on the  
 Public Land in this township, Rufus Es-  
 quibel did under Section 2401 of the  
 United States Revised Statutes, at the Desig-  
 nated Depository at Santa Fe, on July 1883  
 make deposits of funds amounting  
 to \$200. for the Survey of this township and  
 the expenses incident thereto, to wit:  
 For the Field Work \$265. and for the Of-  
 fice Work \$25. And I further certify  
 that of said deposits for Survey \$265 was  
 expended, leaving nothing to be refunded to  
 the said depositor. And of said deposit for  
 Office Work \$25. was expended leaving to be re-  
 funded to said depositor nothing.  
 B. H. M. Attest  
 Surveyor General

The above Map of Township 1. <sup>22</sup> North of Range 1. <sup>2</sup> East of the Principal Meridian, New Mexico, is truly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

Surveyor General's Office,  
Santa Fe, New Mexico.  
February 8. 1884.

Henry M. Atkinson  
Sur. Gen.





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Exhibit B (3)